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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,781	10/26/2001	Wagner Celio Ferraz Lourenco	0708/0J943	3395
7590	03/25/2004			
DARBY & DARBY P.C. 805 Third Avenue New York, NY 10022			EXAMINER HAMLIN, DERRICK G	
			ART UNIT 1751	PAPER NUMBER

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/016,781	LOURENCO, WAGNER CELIO FERRAZ	
Examiner	Art Unit		
Derrick G. Hamlin	1751		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 January 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 11 and 12 is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/02</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Evaluations of level of ordinary skill in the art requires consideration of factors such as various prior art approaches employed, types of problems encountered in the art, rapidity with which innovations are made, sophistication of technology involved, educational background of those actively working in the field, commercial success, failure of others, and the inventor's educational level.

The "person having ordinary skill" in this art has the capability of understanding the scientific and engineering principles applicable to the claimed invention. The references of record in this case reasonably reflect this level of skill.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taniguchi et al. (4,390,339).

Taniguchi a hide treatment comprising an aqueous solution of chlorinated isocyanuric acid or salt in a solution of chlorinated isocyanuric acid or salt in a halogenide of an aliphatic hydrocarbon having one to three carbon atoms or in a ketone or ester represented by the general formula: R₁-CO-R₂ wherein, R₁ denotes an alkyl

group having one to three carbon atoms and R2 an alkyl group or alkoxy group having one to three carbon atoms.

The reference does not disclose all of the instantly claimed ketones nor does it disclose that the composition is used for tanning.

Although the reference fails to specifically disclose all of the instantly claimed ketones, all of the instantly claimed ketones would fall within the small group of ketones with the general formula R1-CO-R2 wherein, R1 denotes an alkyl group having one to three carbon atoms and R2 an alkyl group or alkoxy group having one to three carbon atoms. Although the reference fails to teach that the material is used for tanning, it does teach that it may be used on and with tanned leather.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to create a leather that has been treated with anyone of the instantly claimed hydroxy ketones in view of Taniguchi hide treatment comprising an aqueous solution of chlorinated isocyanuric acid or salt in a solution of chlorinated isocyanuric acid or salt in a halogenide of an aliphatic hydrocarbon having one to three carbon atoms or in a ketone.

Allowable Subject Matter

Claims 11 and 12 are allowed.

The following is an examiner's statement of reasons for allowance: Neither Taniguchi nor any of the other cited prior art teaches a process for tanning a hide using

all of the instantly claimed steps using the instantly claimed compounds or the hide made from said process.

Therefore it would not have been in the preview of the skilled artisan of ordinary skill in the art at the time the invention was made to practice the instantly claimed process tanning a hide using all of the instantly claimed steps using the instantly claimed compounds or the hide made from said process.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derrick G. Hamlin whose telephone number is (571) 272-1317. The examiner can normally be reached on Monday-Fridays from ~8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Yogendra Gupta, can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Derrick G. Hamlin

3/22/04

CHARLES BOYER
PRIMARY EXAMINER

